PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, NOVEMBER 14, 1995

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS TUESDAY EVENING NOVEMBER 14, 1995, IN REGULAR SESSION. PRESIDENT DONALD J. SCHMIDT IN THE CHAIR, COUNCIL ATTORNEY STANLEY A. LEVINE, AND SANDRA E. KENNEDY CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY Absent, EDMONDS Absent, GiaQUINTA Absent
HENRY Present, LONG Present, LUNSEY Present,
RAVINE Present, SCHMIDT Present, TALARICO Present

ABSENT: 3 members

COUNCILMEMBER: Bradbury, Edmonds
GiaQuinta,

THE MINUTES OF THE LAST REGULAR OCTOBER 24, 1995,

, 19,

SPECIAL , 19,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

ROLL CALL

COMMITTEE SESSION

NOVEMBER 14, 1995

CITY OF FORT WAYNE, INDIANA

The Common Council of the City of Fort Wayne met in the Common Council Conference Room 128 Tuesday evening November 14, 1995, in Committee Session. President Donald J. Schmidt, in the chair, Council Attorney Stanley A. Levine, and Sandra E. Kennedy City Clerk, at the desk, present the following members viz:

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BRADBURY Absent, EDMONDS Present, GiaQUINTA Absent

HENRY Present, LONG Present, LUNSEY Present

RAVINE Present, SCHMIDT Present, TALARICO Present

****

ABSENT: _____

COUNCIL MEMBER _____, _____,

_____, _____,

_____, _____,

****

The City of Fort Wayne

Paul Helmke, Mayor

October 24, 1995

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-04-93, amending Chapter 157 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-95-10-08

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
24th day of October 1995.

Council action on this recommendation must take place prior to:
January 21, 1996.

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

/pb

XC: File

FACT SHEET

Z-95-10-08
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Map Amendment From R-1 & B-1-B to POD

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

Southeast corner of Reed and St Joe Ctr Roads.

Reason for Project

Construction of a two phase project consisting of approximately 134,000 square feet of office space.

Discussion (Including relationship to other Council actions)

16 October 1995 - Public Hearing

See attached minutes of meeting.

20 October 1995 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the nine (9) members present, eight (8) voted in favor of the motion the Chair did not vote.

Motion carried.

Members Present: Linda Buskirk, Ernest Evans, James Hoch, Thomas Quirk, Dave Ross, Donald Schmidt, Carol Ketter Sharp, Vicky VerPlanck, Mel Smith

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Medical Protective Co & Somerset Acres Inc City Department Other
Opponents	Groups or Individuals Liz Brown, 5701 Reed Road Basis of Opposition -this large of a development would be detrimental to the area and not be compatible with the residential character of the neighborhood
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date 14 September 1995

Projected Completion or Occupancy — Date 24 October 1995

Fact Sheet Prepared by — Date 24 October 1995
Patricia Biancaniello

Reviewed by — Date 30 October 1995

Reference or Case Number

Public Hearing on a Zoning Map Amendment and a Primary Development Plan

a. Bill No. Z-95-10-08 - Change of Zone #597
From R-1 & B-1-B to POD
The Southeast corner of Reed Road and St. Joe Center Road.

b. Primary Development Plan for Medical Protective POD

Tom Niezer, attorney for the petitioners, Medical Protective Company & Somerset Acres, Inc., appeared before the Commission. Mr. Niezer stated that Medical Protective provides professional liability insurance for health care providers. He stated that traditionally that meant just physicians, however, today it means both medical malpractice for physicians and hospitals alike. He stated that they are the 4th largest medical malpractice insurance company in the nation. He stated that they have been at their current location, the SE corner of Reed Road and St. Joe Center Road since 1951. He stated that they employ 335 individuals. He stated that 210 are employed in the Fort Wayne area. He stated that currently 150 individuals work at the Reed/St. Joe Ctr Road facility. He stated that the remaining employees are housed at two leased facilities at Executive Center of the Woods and Brotherhood Office Park. He stated that the purpose of the request for the rezoning and primary development plan approval is to permit development of Medical Protective's additional 32 acres, which is located to the south and east of its existing property. He stated that they want to construct on the property, in two phases, an additional 134,000 square feet of office space. He stated that it would be Medical Protective's intent upon zoning the additional space to consolidate its existing employees in the Fort Wayne area, and close down its two leased office facilities. It is also anticipated that the company will grow to the point, where the combined facility, as projected with employees, of upward to 300 individuals. He stated that it is Medical Protective's intent to commence construction with Phase I of its project this spring, that is assuming that they get the rezoning and the primary and secondary development plan is approved. He stated that they have contacted the neighborhood residents. He stated that they contacted those individuals that would ordinarily be contacted under the Commission's mailing procedures. He submitted a list of the individuals contacted to the Commission. He stated that there was a public meeting providing for the benefit of these individuals October 4, 1995 by Schenkel and Shultz. In additional to the number of free standing residences along Reed and St Joe Ctr Road area, they also contacted the subdivisions of Wyndemere, Summerset Acres and Royal Oaks. He stated that with respect to the statutory criteria, that might be met for a rezoning petition, he asked the staff to look at excerpts from the staff commentary. He stated that with respect to the Comprehensive Plan, it would be their contention that this would be consistent with both the policies of the Urban Service Area and the Outer Ring Area. He stated that it is balanced growth, in that this property is located next to an existing B-1-B site at the corner of St. Joe Ctr and Reed Road. He stated that it would promote a good buffering of that area and additional buffering of the surrounding residential areas. He stated that the current condition of the site is that the area is surrounded by largely residential use. He stated that there is no signage whatsoever on the property identifying the structure. He stated that with respect to the most viable use of the property it would be there contention that this would be the most desirable use, in that it would provide stability with respect to the surrounding residential areas. He stated that this development would promote better drainage with respect to storm water runoff. He stated that this site has the capability of having installed a regional storm water detention area, that would service not only the Medical Protective site, but also a good deal of the property in the existing water basin in that area. He stated that based on the soil tests that they have performed, just last week, they do have the capability and will be in a position to work with the city in putting in that type of regional detention area. He

stated that this detention area would far and exceed any potential problems that would be generated from the Medical Protective site, it will go along way towards assisting a good deal of the runoff from other areas in the surrounding neighborhoods. He stated that with respect to the issues of conservation of property values and responsible development and growth, he urged the Commission is to look at Medical Protective's past use of the property. He stated that he would suggest that the Commission look at it for the past 40 years with respect to responsible growth and development and its impact on surrounding property values. He stated that it is due to Medical Protective the Wyndemere Subdivision is developed, it is due to Medical Protective that the church facility to the north of the property is developed, it is due to Medical Protective that the additional Somerset Acres was planned and developed. He stated that all of that land at one point in time was owned by Medical Protective. He stated that they have been an exemplary neighbor to the surrounding land use owners. He stated that he could think of no better property use that would promote responsible use and development.

David Talby, project architect with Schenkel Shultz appeared before the Commission. Mr. Talby stated that he is responsible for the architectural and engineering design of the property building. He stated that the intent behind their design is to integrate the existing facility with a new two-story building. He stated that the new building will be a brick clad structure with a concrete tile roof. He stated that the current design is two-story in height and the roof line would fall under the 35 foot height requirement. He stated that it is there intent that it blend with the existing building. He stated that the two-story height would be well buffered from the adjacent properties, due to the position of the existing building on the North and West sides of the addition.

Mike Demente, civil engineer working as a consultant through Schenkel Shultz appeared before the Commission. Mr. Demente stated that his four major concerns are storm water runoff, sanitary sewer, traffic volume and landscaping. He stated that they show a detention pond on the east portion of the site, which will service both phases of the proposed project. He stated that they were asked by Stormwater Engineering to research the inclusion of a regional detention facility. He stated that it was in their best interest if they could use the soil to free up some additional land. He stated that they have found that the soil is usable for fill material and would provide them with stormwater detention. He stated WPC Engineering stated that the original detention pond would meet the minimum requirements of the city, but they feel that it will be in their best interest to widen the ditch and actually detain 170 acres. He stated that they have never experienced any flooding conditions. He stated that there are flooding conditions a mile or so down stream from this property and anything that they can do upstream would help to alleviate that problem. He stated that is there general intent. He stated that with regard to the sanitary sewer this property is in what is known as a "red zone". He stated that it is their understanding that the Board of Public Works have a new intersector proposed for 1996 for this area to alleviate some of the problems. He stated that soon after that intersector is put in they will have an intersector for this parcel as well. He stated that this is currently being serviced by a private system that the city took over some years back. At that time the system did not meet the city specifications. He stated that it is the city's intention to replace this existing system and starting in 1996. He stated that they have met with Pat Callahan of Sewer Engineering and they have been researching alternatives to containing some of the sanitary effluence and hopefully by the time that the project is "on-line" those intersectors will be in the ground. He stated that it will be approximately 2 years before they would be adding additional sewage to this intersector, which should give the city time to update the system. He stated that in order to meet the requirements for parking they need over 300 additional parking spaces. He stated that presently they have 120 parking spaces. He stated that they have met with Traffic and Street Engineering to get their input. He stated that the two departments asked for additional right-of-way. He

stated that they are proposing a new access from Reed Road that is actually located on a private portion of the land, which will give the best site clearance from the north and south along Reed Road. He stated that they are closing down another entrance that is very close to the intersection. He stated that they are meeting all of the standards as far as excel and decel lanes and passing blisters. He stated that with regard to the landscaping it is their intention to buffer the zone to the east and south. He stated that they will be required to have a 6 foot buffering of mounding and/or trees or shrubs. He stated it is their intention to meet those landscaping requirements.

Linda Buskirk questioned if they intend to have sanitary sewer retention on site.

Mr. Demente stated that they are investigating alternatives. He stated that hopefully with the two year time delay before this project is on line, they will have the opportunity to connect to the sanitary sewer hookup.

Dave Ross questioned that since both St Joe Ctr and Reed Roads are major traffic carries will they be able, if it is required, to dedicate right-of-way for the widening of the road way. He asked if right-of-way could be required.

Mr. Demente stated that the city could acquire right-of-way if needed.

Tom Niezer stated that there is one "tiny" exception to that, acquisition of right-of-way, and that is the number of 60 to 70 foot high Pinto trees, that are included in or abut right up to the right-of-way. He stated they would strongly request consideration being given by the city to insure that the buffering of these trees are not disturbed or harmed in anyway. He stated that those trees were planted in 1951, they cannot be replaced. He stated that the company is not disposed at this time to see those trees removed under any scenario.

Mel Smith questioned why Medical Protective was not including the corner property that is currently zoned B1B in the requested POD rezoning.

Mr. Niezer stated that there is no change being made to the parcel that is currently zoned B1B. He stated that the parcel is zoned and permits the current use and there is no need to change the zoning. He stated that there is a small portion of the property that is zoned B1B that is included in the POD zoning. He stated that it is Medical Protective's opinion, that from a business standpoint, there is no compelling reason to change the zoning on that property.

Liz Brown, 5701 Reed Road, appeared before the Commission in opposition to the request. She stated that she lived directly across the street from Medical Protective. She stated that Medical Protective has been an excellent neighbor. She stated, however, what they are proposing is a lot different from the pastoral setting that now exists. She stated that it is currently a very quiet one story building, with only 110 employees. The parking lot is completely hidden behind the building on Reed Road and there is one entrance on St. Joe Center. She stated that the entrance on St. Joe Center Road causes a lot of traffic problems at 9am and 5pm. She stated they are now talking about tripling the number of employees and that doesn't include Phase III. She stated they also want to exit on Reed Road as well. She stated that she is very concerned with the added traffic. She stated that they have seven small children. She stated that Mr. Niezer stated that Medical Protective is responsible for developing Summerset Acres and Wyndemere and they have brought all of those people into the area with the farm setting as it sits today. She stated that now they are talking about putting in, at least, two more two story

buildings. She stated that in addition to that they want to have an entrance and exit on Reed Road. She stated that the traffic is particularly hazardous around 3pm when Snider High School lets out south on Reed, and Bishop Dwenger lets out at around the same time. She stated that the traffic flow continues heavy until around 6pm, as the traffic exiting the city leaves on Stellhorn Road. She stated that this is a very dangerous intersection to begin with and adding more traffic at the top of the hill, as they have indicated, would cause more of a problem. She stated that she was also concerned about the landscaping. She stated that in their plan they have two story buildings and a big cement circle drive in the front of the buildings. She stated that in the Phase III that was shown to them, there is a third building that would be put even closer than the present building is now to the street. She stated that Medical Protective have been a wonderful neighbor, but they are now going from a one story, single building to building two, two-story buildings, and in effect tripling the size of their use. She stated that she felt it was too big of a development for the area that it is in. She stated that the only other commercial projects in the area is now at Maplecrest or St Joe Road. She stated that this is a quite residential area. She stated that she could understand their need to expand to a certain degree, but the current request is much too large of an expansion for this area.

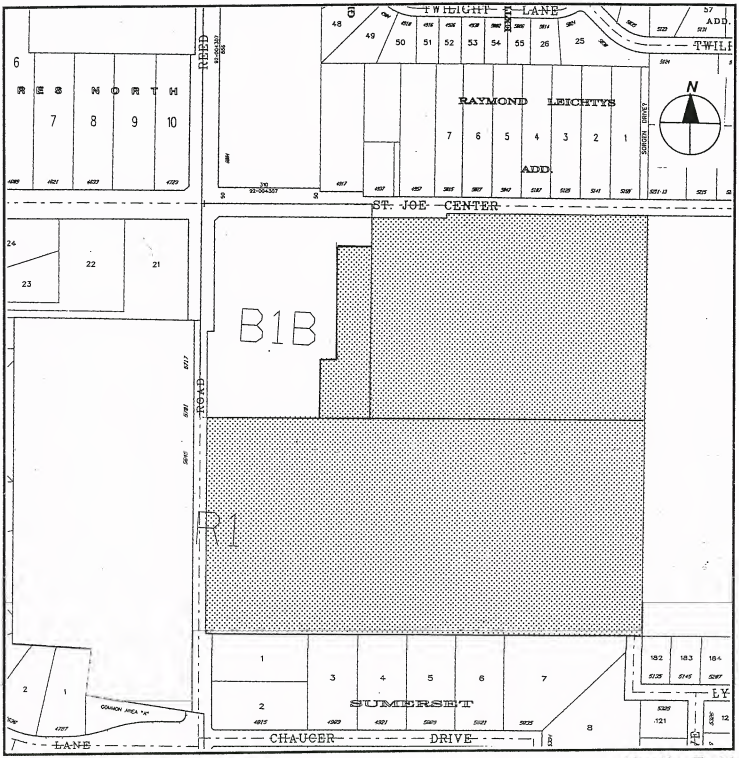
In rebuttal, Tom Niezer stated that the simple hard fact of the matter is, Medical Protective, like most businesses, is not in a position where it can remain a 120 employee business. The business is growing. He stated that Fort Wayne has been, and hopefully will continue to be, its home office. He stated that if it is going to be its home office, it is going to have to expand on this property. He stated that this is not what he would consider to be a commercial enterprise. He stated that this is a professional office enterprise. He stated that it is entirely consistent with the zoning that it is in, and the zoning, that is proposed. He stated that the zoning they are proposing is the most consistent with integration to the surrounding neighborhoods. He stated that in terms of traffic there was a point that was not made. He stated that Medical Protective maintains its own cafeteria on site. He stated that there is very little traffic that goes to and from the property during the day. He stated in each and every circumstance they are meeting or exceeding the city's standards with respect to access and distance from other access points of residential areas. He stated that this land is not always going to be farmland. He stated that to assume that this land will never be developed is not very realistic. He stated that they are trying to take steps to mitigate the traffic concerns of the neighbors, landscaping concerns and water runoff. He stated that he could assure the Commission that this project will be developed and landscaped with the same features in mind as the existing building.

There was no one else who spoke in favor of or in opposition to the proposed rezoning and primary development plan.

REZONING PETITION

AREA MAP

CASE NO. #597



COUNCILMANIC DISTRICT NO. **2**

Map No. T - 34
LW 9-22-95

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 10, 1995, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-95-10-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 16, 1995.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 23, 1995.

Certified and signed this
24th day of October 1995.

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

Medical Protective Company & Somerset Acres, Inc. request a change of zone from R-1 and B1B to POD

Location:	SE corner of Reed and St. Joe Center Road		
Legal:	See file		
Land Area:	Approximately 32 acres		
Zoning:	R-1 and B1B		
Surroundings:	North	R-1	Single Family Residential
	South	R-1	SFR and Open
	East	R-1	SFR and Open
	West	R-1/RA	SFR and Open
Reason for Request:	A two-phase construction project consisting of approximately 134,000 square feet of office space.		
Neighborhood Assoc.:	None		
Comprehensive Plan:	This property is located in the Northeast Sector of the Outer Ring. The overall goal of the Outer Ring is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area. More specifically, the goal of the Northeast sector is to maintain a balanced development pattern within the urban service area.		
Neighborhood Plan:	No comment.		

Planning Staff Discussion:

Both Reed Road and St. Joe Center Road are classified as arterial streets and are expected to carry increasing amounts of traffic. The surrounding area has primarily been developed residentially, with the existing complex being the only non-residential zoning in the area.

The existing facility has been located on site for a number of years and is of a residentially inspired design that complements the surrounding area. The intent of the proposed rezoning is to allow consolidation of their office uses into one complex. They intend to use the office space entirely for their own operations.

Staff discussions suggested that rezoning the acreage to a commercial classification would not

be the best alternative for their intended use, and suggested a POD classification instead. The petitioners did not include all of the existing development site in their rezoning proposal.

The Professional Office District (POD) designation is intended to provide locations where professional office and business compatible with these offices may be developed into a center with the assurance that retail and other commercial uses with incompatible characteristics will not impede or disrupt their use. Structures are typically much less commercial in appearance and architecturally more in keeping with residential uses. The requirement of the development plan approval process further ensures that site development will mitigate any potential negative impacts on the surrounding properties.

The site plan for the development is subject to an intensive review by various departments of the city and by the Plan Commission. Major concerns to be addressed will be traffic access and safety, drainage, utility capacity and landscape buffering of abutting residential developments.

Medical Protective is an established use. Approval will allow their proposed expansion, and will create a well designed and landscaped campus-like complex at the intersection of two arterial streets.

Site development requires both primary and secondary development plan approvals through the Plan Commission, and would be somewhat more restrictive than possible development under the existing zoning. In conducting the primary development plan review, staff cited the fact that this acreage is located in a capacity-intense sewer area, that would not currently support the site development. However, being aware of this obstacle, it is estimated that the problem could be corrected in the next few years.

While the proposed development may be delayed, it may be prudent to set aside the acreage for the POD eventual development. With the interest shown in development in this quadrant, approval would help stabilize the intended growth patterns, and take advantage of its location at the intersection.

RECOMMENDATION: Do Pass for the following reasons:

1) Approval will allow expansion of the existing use in a manner that is more restrictive regarding site planning issues.

2) Approval will allow a development of approximately 40 acres with associated improvements to the existing infrastructure, which should stabilize the residential character of the area.

COMMUNITY & ECONOMIC DEVELOPMENT

MEMORANDUM

TO: City Council Members

FROM: Gary Stair, Director of Planning, Community and Economic Development

DATE: October 24, 1995

SUBJECT: Recommendation from Plan Commission

The attached land use petition has been reviewed by the Fort Wayne Plan Commission and forwarded to you for final action. The Plan Commission's recommendation on this case, made after public hearing and review, has been certified by the Commission's Secretary and is summarized on the attached "Fact Sheet".

Occasionally, there will be a significant delay between the time the petition is filed and when the Plan Commission certifies its recommendation and forwards the case to you. This delay occurs when a petition receives "Conditional Approval" -- approval subject to the petitioner fulfilling certain obligations. In such cases the Plan Commission's staff holds the petition until all conditions have been met by the petitioner. Once all conditions have been satisfied, the case is forwarded to you.

As always, if you have any questions concerning the attached cases, please do not hesitate to call me or Pat Fahey of the Land Use Management staff at 427-1140.

/pb

Change of Zone - Bill No. Z-95-10-08

Amendment: From R1 & B1B to POD

Location: Southeast corner of Reed Road and St. Joe Ctr Road

Applicant: Medical Protective Company & Somerset Acres, Inc.

Proponents: Tom Niezer, attorney

Opponents: Liz Brown, 5701 Reed Road

Summary of Discussion: Approval of the zoning request and development plan would allow the developers to construct a two phase construction project consisting of approximately 134, 000 square feet of office space.

Staff Recommendation: Do Pass

Plan Commission Recommendation: Do Pass

Recommendation Given: October 23, 1995

Committee Session Date: November 14, 1995

The City of Fort Wayne

Paul Helmke, Mayor

October 16, 1995

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of dedicated public right-of-way.

The proposed ordinance is designated as:

Bill No. G-95-06-12

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
16th day of October 1995.

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

/pb

xc: File

FACT SHEET

G-95-06-12
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Alley Vacation Ordinance

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address
The East/West alley between Clay and Monroe, south of Brackenridge Street.

Reason for Project

Construction of a new facility for the Three Rivers Ambulance Authority.

Discussion (Including relationship to other Council actions)

19 June 1995 - Public Hearing

(See Attached Minutes of Meeting)

26 June 1995 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, the Chair did not vote.

Motion Carried

Members Present: James Hoch, Thomas Quirk, Dave Ross, Donald Schmidt, Carol Kettler Sharp, Mel Smith

Members Absent: Linda Buskirk, Ernest Evans, Vicky VerPlanck

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Three Rivers Ambulance Authority City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

TAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 18 May 1995

Projected Completion or Occupancy Date 16 October 1995

Fact Sheet Prepared by Date 16 October 1995

Patricia Biancaniello

Reviewed by Date 16 October 1995

Reference or Case Number

b. Bill No. G-95-06-12 - Vacation Petition #587
The east-west alley between Clay and Monroe, south of Brackenridge Street.

5. Public Hearing on a Zoning Map Amendment

a. Bill No. Z-95-06-08 - Change of Zone #586
From R-3 to M-1
The Block bounded by Brackenridge, Monroe, Hayden and Clay Streets.

Mel Smith called both the vacation petition #587 and rezoning petition #586 together.

John Wernet, attorney for Three Rivers Ambulance Authority appeared before the Commission. Mr. Wernet stated that with him that evening was Bill Brown, who is the owner of 65% of the square block to be vacated. He stated currently his client has a contract with Mr. Brown to purchase the property as well as all of the other properties on the block, except for two, which are subject to condemnation proceedings at this time, by the city. He stated that the alley runs between Clay and Monroe, east-west. He stated that the rezoning will be for the construction of a new facility for the Ambulance Authority. He stated that the proposed building will go directly over the alley requested for vacation. He stated that is the reason for the vacation request. He stated that the Ambulance Authority will own the entire block and there will be no access problems. He stated that the alley is currently not paved at this time, so it is not really used. He stated they have dealt with the utilities and there is no water in the alley and they have spoken with Sewer Engineering and the sewer line will be moved two blocks to the east on Hanna. He stated that I & M will move to the north along Brackenridge, GTE and Comcast have been taken care of also.

He stated that with regard to the rezoning they have requested an M-1 zoning. He stated that he had a site plan which shows 4 houses on the block. He stated that only one home is occupied at the present time. He stated that they have an agreement to purchase with the owner. He stated that the entire south half of the block is vacant. He stated that there are several trees around the perimeter of this property. He stated it is the intention and belief that most of those trees can be saved. He showed the Commission a rendering of the facility. He stated that there will be a parking lot on the northeast side of the property and parking along the south. He stated that no ambulances are actually dispatched from this facility. He stated they come and go at the end of the shift. He stated that there are some ambulances that could be dispatched from there if there was an emergency. He stated that the general plan is that the vehicles will come in off of Clay Street, go into the facility for storage and they will leave by Brackenridge Street. He stated that there will be no curb cuts on the east side on Monroe Street. He stated that the

property to the south is owned by Mr. Brown (Summit City Electric) which is on the other side of Hayden Street, south of that is the railroad, to the west is a warehouse, those properties are all zoned M-3. Mr. Wernet stated that the building will be 22,000 square feet and will cover 20% of the block. He stated that they feel that this is a very good use for this block that has been deteriorating. He stated they felt it is a real reinvestment in the area that will hopefully stir investment in some of the other blocks to the north and to the east.

Mel Smith questioned if there would be any fencing on the property.

Mr. Wernet stated that they will have some security fencing in different areas around the property.

Bill Brown, President of Summit City Electric, appeared before the Commission. Mr. Brown stated that he located his business on Hayden Street in 1986. He stated that he is excited that the Ambulance Authority is moving to this property and hopes that they get the rezoning in order to do so. He stated that he believed that this goes one step further to a positive redevelopment of the area.

James L Parker, 4940 Devonshire Drive, appeared before the Commission. Mr. Parker stated that he owned the property on the corner of Clay and Brackenridge. He stated that he does not want to sell the property for $150.00.

Dave Wright questioned if a condemnation order had been issued on this property.

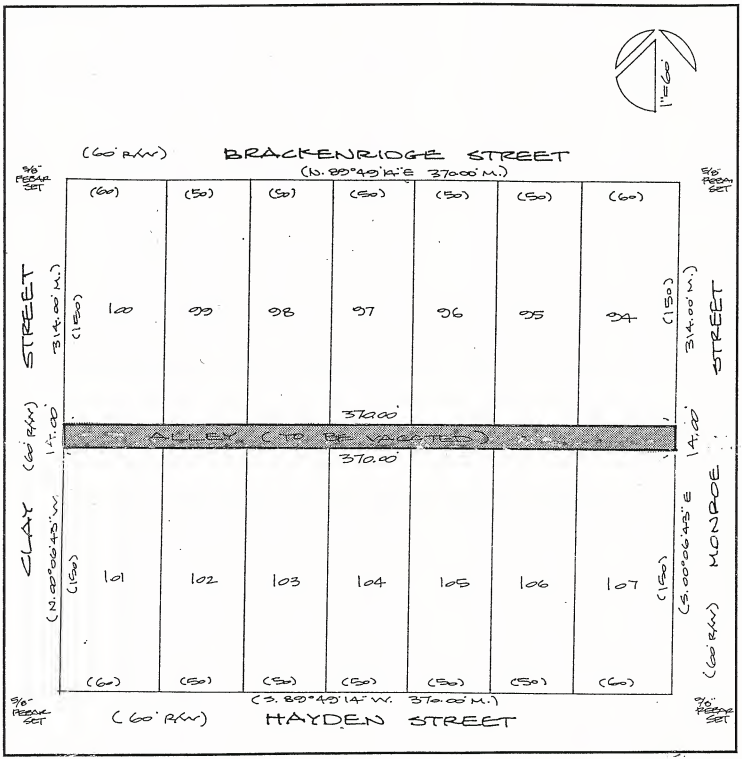
Mr. Parker stated that he has a court date on this property in July.

Mr. Wright stated if that is the case he would need to discuss the issue of the value of the property in court. He stated that the value of the property would not be a question before this Commission. The Commission is dealing with rezoning and the vacation of an alley.

There was no one else who spoke in favor of or in opposition to the proposed vacation or rezoning.

VACATION PETITTION

AREA MAP **CASE NO. #587**



COUNCILMANIC DISTRICT NO. **1**

Map No. N - 2
LW 5-22-95

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

John Wernet, attorney for Three Rivers Ambulance Authority and William E. Brown, requests the vacation of an east-west alley.

Location:	The east/west alley between Clay and Monroe, south of Brackenridge Street.		
Legal:	See file		
Land Area:	Approximately 0.12 acres		
Zoning:	R-3		
Surroundings:	North	R-3	Residential
	South	R-3/M-3	Open / Industrial
	East	R-3/B3B	Park
	West	M-3	Industrial
Reason for Request:	A New building.		
Neighborhood Assoc.:	East Central Neighborhood Association.		
Neighborhood Plan:	No comment.		
Comprehensive Plan:	No comment.		

Planning Staff Discussion:

The Three Rivers Ambulance Authority is acquiring the entire block bounded by Brackenridge, Monroe, Hayden, and Clay Streets for the purpose of constructing its new offices and garage. Their proposed site plan would place the building over the existing right-of-way. While the alley is unimproved, there are utilities located overhead which would require relocation or easements.

This block immediately abuts M-3 or "heavy industrial" zoning to the south. There is a warehouse located to the west, and a small park to the east. The north side is a mixture of houses, some of which have been boarded up. Additionally, there are a number of vacant lots in the area.

The Ambulance Authority is relocating from its present location due to the Headwater Park construction. This new construction will represent a substantial investment in the area that hopefully will result in future redevelopment.

The alley is not needed for access by anyone other than the property owner. Its vacation will not hamper access to other public ways or places, and will in fact allow redevelopment of the site. The petitioner will need to address the existing utilities by either relocating them or granting easements as required.

Recommendation: Conditional Approval, contingent upon the petitioner providing for the relocation of the existing utilities or easements as may be required, and for the following reasons:

1) Approval will allow redevelopment of the area consistent with the goals of the Comprehensive Plan.

2) Approval will not prevent access to other public ways or places as the area will continue to be served by public streets.

RESOLUTION

WHEREAS, the THREE RIVERS AMBULANCE AUTHORITY and WILLIAM E. BROWN have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

The east/west alley between Monroe and Clay Streets and north of Hayden and south of Brackenridge.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on June 19, 1995 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, 26 June 1995 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 4th DAY OF October 1995

FORT WAYNE CITY PLAN COMMISSION

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

RESOLUTION 82-76-5

WHEREAS, the THREE RIVERS AMBULANCE AUTHORITY and WILLIAM E. BROWN have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

The east/west alley between Monroe and Clay Streets and north of Hayden and south of Brackenridge.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, LINDA BUSKIRK, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held WED., OCT. 11, 1995 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 11 DAY OF OCTOBER 1995

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk
Chairman, Board of Public Works

C. James Owen
Member, Board of Public Works

Terrance P. McCaffrey
Member, Board of Public Works

REGULATORY RESOLUTION NO. 47/95/E

(Adopted 11/2/95)

WHEREAS, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986 authorized the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 70.30 of said Title delegates to this Board authority to:

SPEED LIMIT 25 WHEN CHILDREN PRESENT (EMERGENCY)

WHEREAS, the City Traffic Engineer has, by written memorandum dated 10/10/95, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the Office of the Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That pursuant to the authority delegated to this Board, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective 11/02/95, and when signs are erected pursuant hereto giving notice thereof, that the following is established:

SPEED LIMIT 25 WHEN CHILDREN PRESENT	(EMERGENCY)
Ardmore Avenue	from 200' south of Elmhurst Dr. to Elmcrest Dr.

DELETE:

SPEED LIMIT 25 WHEN CHILDREN PRESENT	(EMERGENCY)
Ardmore Avenue	from 200' south of Elmhurst Dr. to 200' north of Sandpoint Rd.

47/95/E

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/35/95 SHEET 1 OF 1 DATE October 10, 1995

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: SPEED LIMIT

Please be advised our office has completed a traffic study regarding speed limits on Ardmore Ave. surrounding Elmhurst High School. The study revealed that residential development and overall traffic pattern requires the existing Speed Limit 25 When Children Present to be extended to the north to Elmcrest Rd.

It is hereby recommended that the Board of Public Safety authorize the following:

SPEED LIMIT 25 WHEN CHILDREN PRESENT **(EMERGENCY)**

Ardmore Ave.	from 200' south of Elmhurst Dr. to Elmcrest Dr.

DELETE:

SPEED LIMIT 25 WHEN CHILDREN PRESENT **(EMERGENCY)**

Ardmore Ave.	from 200' south of Elmhurst Dr. to 200' north of Sandpoint Rd.

Sincerely,

Tom Manny

Tom Manny
Traffic Engineer

cc: Richard Bacon
file

REGULATORY RESOLUTION NO. 48/95/E

(Adopted 11/2/95)

WHEREAS, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986 authorized the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 70.30 of said Title delegates to this Board authority to:

STOP INTERSECTION (EMERGENCY)

WHEREAS, the City Traffic Engineer has, by written memorandum dated 10/10/95, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the Office of the Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That pursuant to the authority delegated to this Board, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective 11/02/95, and when signs are erected pursuant hereto giving notice thereof, that the following is established:

STOP INTERSECTION		(EMERGENCY)
Bayberry Dr.	-stop-	for Bethany Lane
Azalea Dr.	-stop-	for Bethany Lane
Hackberry Dr.	-stop-	for Bethany Lane
Bayberry Dr.	-stop-	for Cinnamon Rd.
Bittersweet Dr.	-stop-	for Tulip Tree Rd.

REGULATORY RESOLUTION NO. 49/95/D

(Adopted 11/2/95)

WHEREAS, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986 authorized the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 70.30 of said Title delegates to this Board authority to:

PREFERENTIAL INTERSECTION (DELEGATED)

WHEREAS, the City Traffic Engineer has, by written memorandum dated 10/10/95, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the Office of the Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That pursuant to the authority delegated to this Board, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective 11/02/95, and when signs are erected pursuant hereto giving notice thereof, that the following is established:

DELETE:

PREFERENTIAL INTERSECTION (DELEGATED)

Bethany Lane	-preferential-	at Bayberry Dr.

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/36/95 SHEET 1 OF 1 DATE October 10, 1995

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: STOP INTERSECTION

Please be advised our office has received a letter from Jerry Leaman, President of the Crestwood Neighborhood Association, requesting the review of several intersections within the Association regarding control. A combination of traffic volumes and geometric design requires a change in existing control or the establishment of new control at the following locations.

It is hereby recommended that the Board of Public Safety authorize the following:

STOP INTERSECTION **(EMERGENCY)**

Bayberry Dr.	- stop -	for Bethany Lane
Azalea Dr.	- stop -	for Bethany Lane
Hackberry Dr.	- stop -	for Bethany Lane
Bayberry Dr.	- stop -	for Cinnamon Rd.
Bittersweet Dr.	- stop -	for Tulip Tree Rd.

DELETE:

PREFERENTIAL INTERSECTION **(DELEGATED)**

Bethany Lane	- preferential -	at Bayberry Dr.

Sincerely,

Tom Manny

Tom Manny
Traffic Engineer

TM/lc

REGULATORY RESOLUTION NO. 50/95/E

(Adopted 11/2/95)

WHEREAS, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986 authorized the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 70.30 of said Title delegates to this Board authority to:

STOP INTERSECTION (EMERGENCY)

WHEREAS, the City Traffic Engineer has, by written memorandum dated 10/10/95, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the Office of the Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That pursuant to the authority delegated to this Board, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective 11/02/95, and when signs are erected pursuant hereto giving notice thereof, that the following is established:

STOP INTERSECTION (EMERGENCY)

Knightsbridge Place	-stop-	for Buckhurst Run

30/95/E

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/37/95 SHEET 1 OF 1 DATE October 10, 1995

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: **STOP INTERSECTION**

Please be advised our office has received a request to review the intersection of Buckhurst Run & Knightsbridge Place regarding control.

A combination of recent accident experience and restricted sight distance satisfies minimum warrants for Stop Control.

It is hereby recommended that the Board of Public Safety authorize the following:

STOP INTERSECTION **(EMERGENCY)**

Knightsbridge Place - stop - for Buckhurst Run

Sincerely,

Tom Manny

Tom Manny
Traffic Engineer

TM/lc

REGULATORY RESOLUTION NO. 51/95/D

(Adopted 11/2/95)

WHEREAS, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986 authorized the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 70.30 of said Title delegates to this Board authority to:

NO PARKING (DELEGATED)

WHEREAS, the City Traffic Engineer has, by written memorandum dated 10/17/95, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the Office of the Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That pursuant to the authority delegated to this Board, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective 11/02/95, and when signs are erected pursuant hereto giving notice thereof, that the following is established:

NO PARKING		(DELEGATED)
Carew St.	-east side-	from State Blvd. to the 1st alley north thereof

5/1/95/D

TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/38/95 SHEET 1 OF 1 DATE October 17, 1995

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: **PARKING RESTRICTION**

Please be advised the E. State Blvd. improvement project is completed. The widening at the intersection of Carew St., to create a southbound left turn lane, necessitates the need to remove parking on the east side north of State Blvd.

It is hereby recommended that the Board of Public Safety authorize the following:

NO PARKING **(DELEGATED)**

Carew St.	- east side -	from State Blvd. to the 1st alley north thereof.

Sincerely,

Tom Manny

Tom Manny
Traffic Engineer

TM/lc

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 14th day of November, 19 95, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 16th day of November, 19 95.

Sandra E. Kennedy

City Clerk